

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 121039	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/AU2004/001638	International filing date ( <i>day/month/year</i> ) 24 November 2004 (24.11.2004)	Priority date ( <i>day/month/year</i> ) 25 November 2003 (25.11.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant CATHRX LTD		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 29 May 2006 (29.05.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold; margin: 10px 0;">Dorothee Mülhausen</div> Telephone No. +41 22 338 87 40

# PATENT COOPERATION TREATY

REC'D 04 JAN 2005	
WIPO	PCT

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co  
605 Darling Street  
BALMAIN NSW 2041

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) <span style="float: right;">22 DEC 2004</span></p>		
<p>Applicant's or agent's file reference 121039</p>		
<p style="text-align: center;"><b>FOR FURTHER ACTION</b> See paragraph 2 below</p>		
<p>International application No. <b>PCT/AU2004/001638</b></p>	<p>International filing date (day/month/year) 24 November 2004</p>	<p>Priority date (day/month/year) 25 November 2003</p>
<p>International Patent Classification (IPC) or both national classification and IPC <b>Int. Cl.<sup>7</sup> A61B 18/18</b></p>		
<p>Applicant <b>CATHRX PTY LTD et al</b></p>		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929</p>	<p>Authorized Officer  <b>SUE THOMAS</b> Telephone No. (02) 6283 2454</p>
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001638

**Box No. I**      **Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/001638**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1-12	YES
	Claims	NO
Inventive step (IS)	Claims 1-12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims	NO

**2. Citations and explanations:**

Claims 1-12

The invention of the claims is a modular catheter which includes an elongate tubular member having a proximal end and a closed, distal end with a lumen extending from the proximal end to the distal end and a plurality of electrodes arranged at, or adjacent, the distal end, conductors for the electrodes being contained within a wall of the tubular member, an elongate shape-imparting mechanism removably received within the lumen of the tubular member such that a distal end of the shape-imparting mechanism is substantially in register with the distal end of the tubular member, and a control device having a proximal end and a distal end, the proximal end of the tubular member and a proximal end of the shape-imparting mechanism being releasably connectable to the distal end of the control device.

The closest prior art of:

**US 6221070**

discloses a steerable ablation catheter system comprising an elongate tubular member (2) having a proximal end and a closed, distal end with a lumen extending from the proximal end to the distal end and a plurality of electrodes (8, 9) arranged at, or adjacent, the distal end, and a control device (5) having a proximal end and a distal end, the proximal end of the tubular member (2) being releasably connectable to the distal end of the control device (5) but fails to teach conductors (18, 27) for the electrodes (8, 9) being contained within a wall of the tubular member (2), or that an elongate shape-imparting mechanism (13, 26) is removably received within the lumen of the tubular member (9).